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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,615	11/19/2003	Alex Mioc	AMIOC-001	4824
34111	7590	03/17/2005	EXAMINER	
STEPHEN J. LEWELLYN			PRINCE, FRED G	
933 OLEANDER WAY SOUTH			ART UNIT	
SUITE 3			PAPER NUMBER	
SOUTH PASADENA, FL 33707			1724	

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,615

Applicant(s)

MIOC, ALEX

Examiner

Fred Prince

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-16 and 18 is/are rejected.
- 7) ☒ Claim(s) 11 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 2 is objected to because of the following informalities: In line 2, "apparatus" should be changed to --apparatus--. Appropriate correction is required.
2. Claim 6 is objected to because of the following informalities: In line 2, "then" should be changed to --than-- and in line 3, "should" should be changed to --shoulder--. Appropriate correction is required.
3. Claim 16 is objected to because of the following informalities: In line 3, "should" should be changed to --shoulder--. Appropriate correction is required.

Claim Rejections - 35 USC § 102/103

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-5, 7, and 9-10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Vecsey et al.

Vecsey et al. teach an apparatus having a body that is hollow (A) and generally cylindrically shaped, said body defined by an inner diameter, an outer diameter and includes a first end, a second end and a side-wall of a thickness equal to the difference of the inner diameter and the outer diameter, the side-wall having an inner surface and an outer surface, a shoulder, said shoulder formed integrally with the inner surface of the side-wall, a bottom connected to the inner surface of the side-wall between the first and second ends of said body, and a drain line (C) connected to a drain port defined by the side-wall, wherein the first and second ends are open (Fig. 1).

Regarding the apparatus being used in a coolant reclaiming system to collect and return coolant to a coolant delivery system used in cutting machines, it is submitted that the recitation is one of intended use that fails to add structure to the claims, is not recited in the body of the claim, and fails to breathe life and meaning into the claim. Accordingly, the limitation is not given patentable weight in the claims. If it is applicant's position that the preamble adds structure, it is submitted that the apparatus of Vecsey et al. is capable of reclaiming, collecting, and returning coolant to a coolant delivery system used in cutting machines.

Regarding the first end being for receiving a barrel of an exterior diameter, it is submitted that the recitation is one of intended use, failing to add structure to the claim. If it is applicant's position that the recitation adds structure, it is submitted that the first end is capable of receiving a barrel.

4. Claims 1, 8-10, and 12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Patzner.

Patzner teaches an apparatus having a body (1) that is hollow and generally cylindrically shaped (Fig. 2), said body defined by an inner diameter, an outer diameter and includes a first end, a second end and a side-wall of a thickness equal to the difference of the inner diameter and the outer diameter, the side-wall having an inner surface and an outer surface, a shoulder, said shoulder formed integrally with the inner surface of the side-wall, a bottom connected to the inner surface of the side-wall between the first and second ends of said body, and a drain line (4) connected to a drain port flush with the bottom and defined by the side-wall, wherein the first and second ends are open (Fig. 1).

Regarding the apparatus being used in a coolant reclaiming system to collect and return coolant to a coolant delivery system used in cutting machines, it is submitted that the recitation is one of intended use that fails to add structure to the claims, is not recited in the body of the claim, and fails to breathe life and meaning into the claim. Accordingly, the limitation is not given patentable weight in the claims. If it is applicant's position that the preamble adds structure, it is submitted that the apparatus of Patzner is capable of reclaiming, collecting, and returning coolant to a coolant delivery system used in cutting machines.

Regarding the first end being for receiving a barrel of an exterior diameter, it is submitted that the recitation is one of intended use, failing to add structure to the claim. If it is applicant's position that the recitation adds structure, it is submitted that the first end is capable of receiving a barrel.

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5. Claims 2-3, 6, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vecsey et al. in view of Weimer et al.

Vecsey et al. is described above. Vecsey et al. do not disclose providing the body with at least 3 casters.

In any case, Weimer et al. disclose the well known concept of providing a body with at least 3 casters (12; Fig. 1) in order to support the body (10) while facilitating easy movement of the body from place to place (col. 2, lines 38-40).

It would have been readily obvious for the skilled artisan to modify the apparatus of Vecsey et al. such that it includes at least 3 casters in order to support the body (10) while facilitating easy movement of the body from place to place, as suggested by Weimer et al.

Per claims 3 and 14, Vecsey et al. do not disclose casters having an arcuate path of greater diameter than the outer diameter of the body.

It is submitted that is well known to provide casters having an arcuate path of greater diameter than the outer diameter of a body in order to, for example, provide stability to the body (see, for example, US Pat No 5,390,944 to Sherwin).

Per claim 6, Vecsey et al. do not teach a first shoulder having greater diameter than the inner diameter of the body and a second diameter equal to the inner diameter of the body.

It is submitted that it is well known in the art to provide a first shoulder having greater diameter than the inner diameter of a body and a second diameter equal to the inner diameter of a body in order to, for example, receive a vessel within the body (see,

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for example, US Pat No 2,146,525 to Boiano). Accordingly, it is submitted that it would have obvious for the skilled artisan to provide a first shoulder having greater diameter than the inner diameter of a body and a second diameter equal to the inner diameter of a body in order to, for example, receive a vessel within the body, as known in the art.

6. Claims 15-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vecsey et al. in view of Weimer.

Vecsey et al. disclose an apparatus having a body that is hollow (A) and generally cylindrically shaped, said body defined by an inner diameter, an outer diameter and includes a first end, a second end and a side-wall of a thickness equal to the difference of the inner diameter and the outer diameter, the side-wall having an inner surface and an outer surface, a shoulder, said shoulder formed integrally with the inner surface of the side-wall, a bottom connected to the inner surface of the side-wall between the first and second ends of said body, and a drain line (C) connected to a drain port defined by the side-wall, wherein the first and second ends are open (Fig. 1). Vecsey et al. do not disclose providing the body with at least 3 casters.

In any case, Weimer et al. disclose the well known concept of providing a body with at least 3 casters (12; Fig. 1) in order to support the body (10) while facilitating easy movement of the body from place to place (col. 2, lines 38-40).

It would have been readily obvious for the skilled artisan to modify the apparatus of Vecsey et al. such that it includes at least 3 casters in order to support the body (10) while facilitating easy movement of the body from place to place, as suggested by Weimer et al.

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Per claim 18, Vecsey et al. do not disclose casters having an arcuate path of greater diameter than the outer diameter of the body.

It is submitted that is well known to provide casters having an arcuate path of greater diameter than the outer diameter of a body in order to, for example, provide stability to the body (see, for example, US Pat No 5,390,944 to Sherwin).

Regarding the apparatus being used in a coolant reclaiming system to collect and return coolant to a coolant delivery system used in cutting machines, it is submitted that the recitation is one of intended use that fails to add structure to the claims, is not recited in the body of the claim, and fails to breathe life and meaning into the claim. Accordingly, the limitation is not given patentable weight in the claims. If it is applicant's position that the preamble adds structure, it is submitted that the apparatus of Vecsey et al. is capable of reclaiming, collecting, and returning coolant to a coolant delivery system used in cutting machines.

Regarding the first end being for receiving a barrel of an exterior diameter, it is submitted that the recitation is one of intended use, failing to add structure to the claim. If it is applicant's position that the recitation adds structure, it is submitted that the first end is capable of receiving a barrel.

Allowable Subject Matter

7. Claims 11 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

While claims 10 and 16 are not allowable for the reasons presented above, in the examiner's opinion, the prior art fails to teach or fairly suggest the shoulder having the recited positioning and operational elements recited. The instant invention provides the advantage of not requiring additional means to secure the barrel, such as the threaded means required by apparatus of Boiano.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References are cited of interest to show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Prince whose telephone number is (571) 272-

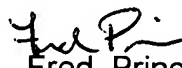
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1165. The examiner can normally be reached on Monday-Thursday, 6:30-4:00; alt.

Fridays 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Fred Prince
Primary Examiner
Art Unit 1724

fgp
3/14/05